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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/465,236	12/15/1999	JOSEPH C. HARROW	062891.0311	8644

7590 09/26/2003
BAKER & BOTTS LLP
2001 ROSS AVENUE
DALLAS, TX 752012980

EXAMINER

PIZARRO, RICARDO M

ART UNIT	PAPER NUMBER
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2661

DATE MAILED: 09/26/2003

3

Please find below and/or attached an Office communication concerning this application or proceeding.

11

Office Action Summary

Application No.

09/465,236

Applicant(s)

HARROW ET AL.

Examiner

Ricardo M. Pizarro

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-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133).
- Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 15 December 1999.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-37 is/are pending in the application.
- 4a) Of the above claim(s) 15-30 is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 1,8 and 31 is/are rejected.
- 7) ☒ Claim(s) 2-7,9-14 and 32-37 is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☒ The drawing(s) filed on 15 December 1999 is/are: a) ☒ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
- 11) ☐ The proposed drawing correction filed on _____ is: a) ☐ approved b) ☐ disapproved by the Examiner.
If approved, corrected drawings are required in reply to this Office action.
- 12) ☐ The oath or declaration is objected to by the Examiner.

Priority under 35 U.S.C. §§ 119 and 120

- 13) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
a) ☐ All b) ☐ Some * c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
2. ☐ Certified copies of the priority documents have been received in Application No. _____.
3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).
* See the attached detailed Office action for a list of the certified copies not received.
- 14) ☐ Acknowledgment is made of a claim for domestic priority under 35 U.S.C. § 119(e) (to a provisional application).
a) ☐ The translation of the foreign language provisional application has been received.
- 15) ☐ Acknowledgment is made of a claim for domestic priority under 35 U.S.C. §§ 120 and/or 121.

Attachment(s)

- 1) ☒ Notice of References Cited (PTO-892) 4) ☒ Interview Summary (PTO-413) Paper No(s). _____
- 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948) 5) ☐ Notice of Informal Patent Application (PTO-152)
- 3) ☒ Information Disclosure Statement(s) (PTO-1449) Paper No(s) _____ 6) ☐ Other: _____

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DETAILED ACTION

Election/Restrictions

1. Claims 15-30 are withdrawn from further consideration by the examiner, 37 CFR 1.142(b), as being drawn to a non-elected invention, as agreed, During a telephone conversation with applicant's representative Mr. Jeff Baxter on 6/15.

Claim Rejections - 35 USC § 103

2. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

3. Claims 1, 8 and 31 are rejected under 35 U.S.C. 103(a) as being unpatentable over Leondires.

U.S. patent No. 5,841,763 (Leondires et al) discloses an audio-video conferencing system including an apparatus for using a plurality of processors to support a media conference comprising : mixing processor operable to mix input media information associated with two or more first participants to generate output media information for communication to a second participant , (MCU 102 includes DSP units for interchangeable use and functions col 14 lines 1-23 , for instance an AE configured DSP – AEP- can send a synchronization signal e.g mixing function col 14 lines 51-60) and a first media transformation processor coupled to the mixing processor (MCU 102 includes DSP units for interchangeable use and functions, col 14 lines 1-23) , said processor operable to receive the output media information from the mixing processor

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to encode the output media information to generate an output data stream and to communicate the output data stream to the second participant's end-user device (a DSP can be configured to perform the encoding of the outgoing audio information col 14 lines 23-26) , as in claim 1; mixing input media information associated with two or more first participants to generate output media information for communication to a second participant (MCU 102 includes DSP units for interchangeable use and functions col 14 lines 1-23 , for instance an AE configured DSP -AEP- can send a synchronization signal e.g mixing function col 14 lines 51-60) , communicating the output media information from a mixing processor to a first media transformation processor, encoding the output media information to generate an output data stream and communicating the output data stream from the first media transformation processor to the second participant's end-user device (MCU 102 includes DSP units for interchangeable use and functions col 14 lines 1-23 , for instance an AE configured DSP -AEP- can send a synchronization signal e.g mixing function col 14 lines 51-60), as in claim 8; a plurality of end-user devices coupled to a data network and operable to generate input media information (LAN and end unit devices 108-114 in Fig. 1, col 6 lines 9, 14-16, 30-35,) to encode input media information to generate input data streams and to communicate the input data streams using the data network (CODEC means in unit 128 , col 6 lines 14-24), a conferencing device coupled to the data network (conferencing device 102 in Fig. 1) , said device comprising two or more processor operable to decode the input data streams (DSP processing units in Fig. 3, col 8 lines 35-36), as in claim 31.

Therefore, it would have been obvious to a person of ordinary skill in the art at the time of the invention that the processing system disclosed by Leonides is capable of mixing and

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media transformation processing as the disclosed invention. This with the motivation of obtaining a conferencing system which can the processing resources to reduce the number of processors required for a system equipped to service conferees that employ a plurality of ITU standards.

Allowable Subject Matter

4. Claims 2-7, 9-14 and 32-37 are objected to as being dependent upon a rejected base claim, but would be allowable if rewritten in independent form including all of the limitations of the base claim and any intervening claim.

Conclusion

5. **Any response to this action should be mailed to:**

Commissioner of Patents and Trademarks

Washington, D.C. 20231

or faxed to:

(703) 872-9314

(for formal communications intended for entry, for informal or draft communications, please label "PROPOSED" or "DRAFT")

Hand-delivered responses should be brought to Crystal Park II, 2121 Crystal Drive, Arlington, VA., Sixth Floor (Receptionist).

6. Any inquiry concerning this communication or earlier communications from the examiner should be directed to **Ricardo Pizarro** whose telephone number is (703) 305-1121.

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The examiner can normally be reached on Monday-Friday from 9:00 AM to 5:30 PM. The fax number for this Group is (703) 872-9314.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, **Douglas Olms**, can be reached on (703) 305-4703.

Any inquiry of a general nature or relating to the status of this application or proceeding should be directed to the Group receptionist whose telephone number is (703) 305-4700.

September 12, 2003

Ricardo M. Pizarro



KENNETH VANDERPUYE
PRIMARY EXAMINER